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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/03/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/419,246

Applicant(s)

SEKIGUCHI ET AL.

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings received on 10/15/99 are acceptable by the examiner.

Claim Objections

3. Applicant is advised that should **claims 48-52** be found allowable, **claims 53-57** will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 4, 18, and 32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Regarding **claims 4, 18, and 32**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 1-61, and 63-72** are rejected under 35 U.S.C. 102(e) as being anticipated by Toyoda *et al.* (U.S. Patent Number 5,881,233).

Regarding **claim 1**, Toyoda discloses a communication apparatus (see Figs. 3 and 5) for forming and outputting image data on the basis of data received via a network (see abstract), comprising means for receiving data composed of a predetermined character code (column 7, line 22 through column 8, line 49), extracting means for analyzing the data received by the

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receiving means and extracting binary data encoded by the character code (column 7, line 22 through column 8, line 49), and means for converting the binary data extracted by the extracting means into image data (column 8, lines 3 through 52).

Regarding *claim 2*, Toyoda discloses the apparatus discussed above in claim 1, and further teaches of means for determining whether the binary data is convertible into image data (column 8, lines 26 through 52, and column 22, lines 17 through 34), and means for transmitting, if the first determining means determines that the binary data is inconvertible (column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary data to an external apparatus and requesting the external apparatus to convert the binary data into a format convertible by the communication apparatus (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding *claim 3*, Toyoda discloses the apparatus discussed above in claim 2, and further teaches that if the extracting means extracts a plurality of types of binary data (column 8, lines 26 through 48, and column 13, lines 9 through 22), the control means selects only binary data found to be inconvertible by the first determining means and requests the external apparatus to convert the selected binary data (column 22, lines 17 through 34).

Regarding *claim 4*, Toyoda discloses the apparatus discussed above in claim 2, and further teaches that the control means requests the external apparatus to convert into binary data encoded by the ITU-T recommendation T.4 or image data encoded by a predetermined encoding method (column 8, lines 26 through 49, and column 22, lines 17 through 34).

Regarding *claim 5*, Toyoda discloses the apparatus discussed above in claim 2, and further teaches that the first determining means determines on the basis of information pertaining to the binary data, which is extracted from a character data portion other than the binary received character data (column 8, lines 26 through 49).

Regarding *claim 6*, Toyoda discloses the apparatus discussed above in claim 5, and further teaches that the first determining means determines on the basis of information pertaining to the binary data, which is extracted from header information of received MIME data (column 8, lines 26 through 49).

Regarding *claim 7*, Toyoda discloses the apparatus discussed above in claim 1, and further teaches of means for determining, during a receiving session by the receiving means, whether the binary data is convertible into image data (column 7, line 22 through column 8, line 52), and means for informing a source of the received data of the determination result from the second determining means during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 8*, Toyoda discloses the apparatus discussed above in claim 7, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line 47 through column 7, line 52), and the first informing means informs by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 9*, Toyoda discloses the apparatus discussed above in claim 7, and further teaches of means for transmitting, if the second determining means determines that the data is inconvertible, a message concerning the information transmitted by the first informing

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means in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding **claim 10**, Toyoda discloses the apparatus discussed above in claim 9, and further teaches of means for determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein the second informing means transmits a message corresponding to the language type determined by the determining means (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 11**, Toyoda discloses the apparatus discussed above in claim 7, and further teaches of means for determining, during the receiving session by the receiving means, whether the binary data encoded by the character code can be decoded (column 22, lines 17 through 67), wherein the first informing means informs the source of the received data of the determination result from the third determining means during the receiving session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 12**, Toyoda discloses the apparatus discussed above in claim 11, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line 47 through column 7, line 52), and the first informing means informs by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding **claim 13**, Toyoda discloses the apparatus discussed above in claim 11, and further teaches of means for transmitting, if the third determining means determines that the data is inconvertible, a message concerning the information transmitted by the first informing means in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding **claim 14**, Toyoda discloses the apparatus discussed above in claim 13, and further teaches of means for determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein the third informing means transmits a message corresponding to the language type determined by the second determining means (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 15**, Toyoda discloses a method of forming and outputting image data on the basis of data received via a network (see abstract), comprising the steps of receiving data composed of a predetermined character code (column 7, line 22 through column 8, line 49), analyzing the received data and extracting binary data encoded by the character code (column 7, line 22 through column 8, line 49), converting the extracted binary data into image data (column 8, lines 3 through 52), and outputting the converted image data (column 7, line 53 through column 8, line 57).

Regarding **claim 16**, Toyoda discloses the method discussed above in claim 15, and further teaches of determining whether the binary data is convertible into image data (column 8, lines 26 through 52, and column 22, lines 17 through 34), and transmitting, if the first determination result indicates that the binary data is inconvertible (column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary data to an external apparatus and requesting the external apparatus to convert the binary data into a format convertible by an apparatus comprising the method (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding **claim 17**, Toyoda discloses the method discussed above in claim 16, and further teaches that if a plurality of types of binary data are extracted (column 8, lines 26 through

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48, and column 13, lines 9 through 22), only binary data found to be inconvertible by the first determination result is selected, and the external apparatus is requested to convert the selected binary data (column 22, lines 17 through 34).

Regarding **claim 18**, Toyoda discloses the method discussed above in claim 15, and further teaches that the external apparatus is requested to convert into binary data encoded by the ITU-T recommendation T.4 or image data encoded by a predetermined encoding method (column 8, lines 26 through 49, and column 22, lines 17 through 34).

Regarding **claim 19**, Toyoda discloses the method discussed above in claim 15, and further teaches that the determination for outputting the first determination is performed on the basis of information pertaining to the binary data, which is extracted from a character data portion other than the binary received character data (column 8, lines 26 through 49).

Regarding **claim 20**, Toyoda discloses the method discussed above in claim 18, and further teaches that the determination for outputting the first determination result is performed on the basis of information pertaining to the binary data, which is extracted from header information of received MIME data (column 8, lines 26 through 49).

Regarding **claim 21**, Toyoda discloses the method discussed above in claim 15, and further teaches of steps of determining, during a receiving session by receiving means, whether the binary data is convertible into image data, and outputting a second determination result (column 7, line 22 through column 8, line 52), and informing a source of the received data of the second determination result during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

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Regarding **claim 22**, Toyoda discloses the method discussed above in claim 21, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line 47 through column 7, line 52), and the second determination result is transmitted by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding **claim 23**, Toyoda discloses the method discussed above in claim 21, and further teaches of steps of transmitting, if the second determination result indicates that the data is inconvertible, a message concerning the second determination result in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding **claim 24**, Toyoda discloses the method discussed above in claim 23, and further teaches of steps of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein the message corresponding to the determined language type is transmitted in another session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 25**, Toyoda discloses the method discussed above in claim 21, and further teaches of steps of determining, during the receiving session by the receiving means, whether the binary data encoded by the character code can be decoded, and outputting a third determination result (column 22, lines 17 through 67), wherein the source of the received data is informed of the third determination result during the receiving session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 26**, Toyoda discloses the method discussed above in claim 25, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line

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47 through column 7, line 52), and the first informing means informs by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 27*, Toyoda discloses the method discussed above in claim 25, and further teaches of steps of transmitting, if the third determination result indicates that the data is inconvertible, a message concerning the third determination result in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding *claim 28*, Toyoda discloses the method discussed above in claim 27, and further teaches of steps of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein a message corresponding to the determined language type is transmitted in another session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 29*, Toyoda discloses a storage medium storing a computer program to be executed by a computer of a communication apparatus (see Figs. 3 and 5, column 7, lines 22 through 24, and column 8, lines 14 through 28) for forming and outputting image data on the basis of data received via a network (see abstract), with the computer program comprising the steps of a process of receiving data composed of a predetermined character code (column 7, line 22 through column 8, line 49), a process of analyzing the received data and extracting binary data encoded by the character code (column 7, line 22 through column 8, line 49), a process of converting the extracted binary data into image data (column 8, lines 3 through 52), and a process of outputting the converted image data (column 7, line 53 through column 8, line 57).

Regarding **claim 30**, Toyoda discloses the medium discussed above in claim 29, and further teaches of determining whether the binary data is convertible into image data and outputting a first determination result (column 8, lines 26 through 52, and column 22, lines 17 through 34), and transmitting, if the first determination result indicates that the binary data is inconvertible (column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary data to an external apparatus and requesting the external apparatus to convert the binary data into a format convertible by an apparatus comprising the medium (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding **claim 31**, Toyoda discloses the medium discussed above in claim 29, and further teaches that if a plurality of types of binary data are extracted (column 8, lines 26 through 48, and column 13, lines 9 through 22), only binary data found to be inconvertible by the first determination result is selected, and the external apparatus is requested to convert the selected binary data (column 22, lines 17 through 34).

Regarding **claim 32**, Toyoda discloses the medium discussed above in claim 30, and further teaches that the external apparatus is requested to convert into binary data encoded by the ITU-T recommendation T.4 or image data encoded by a predetermined encoding method (column 8, lines 26 through 49, and column 22, lines 17 through 34).

Regarding **claim 33**, Toyoda discloses the medium discussed above in claim 30, and further teaches that the determination for outputting the first determination is performed on the basis of information pertaining to the binary data, which is extracted from a character data portion other than the binary received character data (column 8, lines 26 through 49).

Regarding **claim 34**, Toyoda discloses the medium discussed above in claim 30, and further teaches that the determination for outputting the first determination result is performed on the basis of information pertaining to the binary data, which is extracted from header information of received MIME data (column 8, lines 26 through 49).

Regarding **claim 35**, Toyoda discloses the medium discussed above in claim 30, and further teaches of steps of determining, during a receiving session by receiving means, whether the binary data is convertible into image data, and outputting a second determination result (column 7, line 22 through column 8, line 52), and informing a source of the received data of the second determination result during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding **claim 36**, Toyoda discloses the medium discussed above in claim 35, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line 47 through column 7, line 52), and the second determination result is transmitted by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding **claim 37**, Toyoda discloses the medium discussed above in claim 35, and further teaches of steps of transmitting, if the second determination result indicates that the data is inconvertible, a message concerning the second determination result in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding **claim 38**, Toyoda discloses the medium discussed above in claim 37, and further teaches of steps of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein the message

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corresponding to the determined language type is transmitted in another session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 39*, Toyoda discloses the medium discussed above in claim 35, and further teaches of steps of determining, during the receiving session by the receiving means, whether the binary data encoded by the character code can be decoded, and outputting a third determination result (column 22, lines 17 through 67), wherein the source of the received data is informed of the third determination result during the receiving session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 40*, Toyoda discloses the medium discussed above in claim 39, and further teaches that the receiving means receives data by an electric mail protocol (column 6, line 47 through column 7, line 52), and the first informing means informs by using a response signal in the electric mail protocol (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 41*, Toyoda discloses the medium discussed above in claim 39, and further teaches of steps of transmitting, if the third determination result indicates that the data is inconvertible, a message concerning the third determination result in another session after the receiving session is completed (column 22, lines 17 through 67).

Regarding *claim 42*, Toyoda discloses the medium discussed above in claim 41, and further teaches of steps of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data, wherein a message corresponding to the determined language type is transmitted in another session (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 43**, Toyoda discloses a communication apparatus comprising means for receiving electronic mail (column 7, line 22 through column 8, line 49), means for analyzing the electronic mail received by the receiving means and extracting binary data attached to the electronic mail (column 7, line 22 through column 8, line 49), means for converting the binary data extracted by the extracting means into image data (column 8, lines 3 through 52), and means for outputting the image data converted by the converting means (column 7, line 53 through column 8, line 57).

Regarding **claim 44**, Toyoda discloses the apparatus discussed above in claim 43, and further teaches that if the converting means detects that the binary data is inconvertible into image data (column 8, lines 26 through 52, and column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary data is transmitted to an external apparatus, and the external apparatus is requested to convert the binary data into a format convertible by the converting means (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding **claim 45**, Toyoda discloses the apparatus discussed above in claim 43, and further teaches that if during a receiving session of the electronic mail the converting means detects that the binary data is inconvertible into image data (column 7, line 22 through column 8, line 52), a source of the electronic mail is informed of conversion error during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding **claim 46**, Toyoda discloses the apparatus discussed above in claim 43, and further teaches that if the converting means detects that the binary data is inconvertible into image data (column 7, line 22 through column 8, line 52), the source of the electronic mail is

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informed of conversion error by electronic mail after the receiving means completes the receiving session (column 22, lines 17 through 67).

Regarding *claim 47*, Toyoda discloses the apparatus discussed above in claim 46, and further teaches of a language type of the source is determined from header information of the electronic mail received by the receiving means, and electronic mail indicating the conversion error is generated by a message corresponding to the determined language type (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 48*, Toyoda discloses a method of forming and outputting image data on the basis of received electronic mail (see abstract), comprising the steps of receiving electronic mail (column 7, line 22 through column 8, line 49), analyzing the received electronic mail and extracting binary data attached to the electronic mail (column 7, line 22 through column 8, line 49), converting the extracted binary data into image data (column 8, lines 3 through 52), and outputting the converted image data (column 7, line 53 through column 8, line 57).

Regarding *claim 49*, Toyoda discloses the method discussed above in claim 48, and further teaches that if the binary data is found to be inconvertible into image data (column 8, lines 26 through 52, and column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary data is transmitted to an external apparatus, and the external apparatus is requested to convert the binary data into a format convertible by an apparatus comprising the method (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding *claim 50*, Toyoda discloses the method discussed above in claim 48, and further teaches that if during a receiving session of the electronic mail the binary data is found to

be inconvertible into image data (column 7, line 22 through column 8, line 52), a source of the electronic mail is informed of conversion error during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 51*, Toyoda discloses the method discussed above in claim 48, and further teaches that if the binary data is found to be inconvertible into image data (column 7, line 22 through column 8, line 52), the source of the electronic mail is informed of conversion error by electronic mail after the receiving means completes the receiving session (column 22, lines 17 through 67).

Regarding *claim 52*, Toyoda discloses the method discussed above in claim 51, and further teaches of a language type of the source is determined from header information of the received electronic mail, and electronic mail indicating the conversion error is generated by a message corresponding to the determined language type (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 53*, Toyoda discloses a method of forming and outputting image data on the basis of received electronic mail (see abstract), comprising receiving electronic mail (column 7, line 22 through column 8, line 49), analyzing the received electronic mail and extracting binary data attached to the electronic mail (column 7, line 22 through column 8, line 49), converting the extracted binary data into image data (column 8, lines 3 through 52), and outputting the converted image data (column 7, line 53 through column 8, line 57).

Regarding *claim 54*, Toyoda discloses the method discussed above in claim 53, and further teaches that if the binary data is found to be inconvertible into image data (column 8, lines 26 through 52, and column 22, lines 17 through 34, seen in step S104 of Fig. 26), the binary

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data is transmitted to an external apparatus, and the external apparatus is requested to convert the binary data into a format convertible by an apparatus comprising the method (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively request the source to convert the data to a compatible format).

Regarding *claim 55*, Toyoda discloses the method discussed above in claim 53, and further teaches that if during a receiving session of the electronic mail the binary data is found to be inconvertible into image data (column 7, line 22 through column 8, line 52), a source of the electronic mail is informed of conversion error during the receiving session (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 56*, Toyoda discloses the method discussed above in claim 53, and further teaches that if the binary data is found to be inconvertible into image data (column 7, line 22 through column 8, line 52), the source of the electronic mail is informed of conversion error by electronic mail after the receiving means completes the receiving session (column 22, lines 17 through 67).

Regarding *claim 57*, Toyoda discloses the method discussed above in claim 56, and further teaches of a language type of the source is determined from header information of the received electronic mail, and electronic mail indicating the conversion error is generated by a message corresponding to the determined language type (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding *claim 58*, Toyoda discloses a communication apparatus (see abstract and Figs. 1-6) comprising means for inputting data (column 7, line 22 through column 8, line 49), means for determining whether the input data is non-image data or image data (being "character code

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data” or “image data”, depending if the “content-type” in the header denotes “text/plain or “image/tiff”, respectively, as read in column 8, lines 26 through 49, and column 13, lines 9 through 39), means for determining whether the non-image data (“character code data” or “image/audio data”) is convertible into image data (column 8, lines 43 through 51, column 13, lines 9 through 39), and means for performing a converting process if the non-image data is convertible (column 8, lines 43 through 51, and column 13, lines 9 through 39).

Regarding *claim 59*, Toyoda discloses the apparatus discussed above in claim 58, and further teaches of means for sending a conversion request to another apparatus if the determination result from the second determining means indicates that the non-image data is inconvertible (column 22, lines 26 through 33, whereby the error message transmitted to the source would effectively indicate that the non-image data is inconvertible).

Regarding *claim 60*, Toyoda discloses the apparatus discussed above in claim 58, and further teaches that the non-image data is data composed of a character code (column 8, lines 17 through 48).

Regarding *claim 61*, Toyoda discloses the apparatus discussed above in claim 60, and further teaches that the character code data contains binary data converted into a character code (column 7, line 21 through column 8, line 52).

Regarding *claim 63*, Toyoda discloses the apparatus discussed above in claim 61, and further teaches that the data analyzing means comprises character data analyzing means for discriminating between the binary data portion and other portion (column 8, lines 26 through 52, and column 22, lines 17 through 34).

Regarding **claim 64**, Toyoda discloses the apparatus discussed above in claim 61, and further teaches that the data converting means comprises at least one of decoding means for decoding the binary data portion into original binary data and data rasterizing means for forming image data by rasterizing the decoded binary data (column 7, line 6 through column 8, line 11, wherein the printer 11 inherently rasterizes the data).

Regarding **claim 65**, Toyoda discloses the apparatus discussed above in claim 58, and further teaches that the electronic data is received in accordance with TCP/IP or SMTP (column 5, lines 31 through 31 through 54, and column 6, line 47 through column 7, line 52, whereby a message received through the Internet in an “electronic mail format” would inherently be in a TCP/IP or SMTP format).

Regarding **claim 66**, Toyoda discloses the apparatus discussed above in claim 61, and further teaches of language determining means for determining a language type of the character code (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 67**, Toyoda discloses the apparatus discussed above in claim 65, and further teaches that the electronic data is described in MIME format (column 8, lines 26 through 49).

Regarding **claim 68**, Toyoda discloses the apparatus discussed above in claim 67, and further teaches of content analyzing means for detecting a language type and an address of a source from the electronic mail (column 8, lines 17 through 48, and column 22, lines 17 through 67).

Regarding **claim 69**, Toyoda discloses the apparatus discussed above in claim 68, and further teaches that the content analyzing means divides, by using MIME header information,

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received electronic information composed of a character code into a character code portion and a binary data portion converted into the character code (column 8, lines 17 through 48, and column 22, lines 17 through 67, see Fig. 17).

Regarding *claim 70*, Toyoda discloses the apparatus discussed above in claim 68, and further teaches of error report forming means for transmitting, if error to be reported to the source occurs during the course of outputting the image data, an error report describing a content of the error by a character code corresponding to the detected language type to the source address detected by the content analyzing means (column 16, lines 35 through 67, and column 22, lines 16 through 67).

Regarding *claim 71*, Toyoda discloses the apparatus discussed above in claim 68, and further teaches that the content analyzing means detects the language type and the address from an MIME header (column 8, lines 17 through 48, and column 22, lines 17 through 67, see Fig. 17).

Regarding *claim 72*, Toyoda discloses the apparatus discussed above in claim 58, and further teaches that the data contains image data encoded in accordance with a facsimile transmission standard (column 8, lines 26 through 50, whereby a TIFF format is well known within the art to be a facsimile transmission standard).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 62** is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda *et al.* (U.S. Patent Number 5,881,233) in view of Saito *et al.* (U.S. Patent Number 6,351,316).

Regarding **claim 62**, Toyoda discloses the apparatus discussed above in claim 58, but fails to particularly teach if the data converting means comprises bit map data forming means for converting a character code into bit map data. Saito discloses a communication apparatus comprising means for inputting data (see abstract, and column 2, lines 31 through 65), means for determining whether the input data is non-image data or image data (column 4, lines 34 through 43), means for determining whether the data is printable (column 3, line 5 through column 4, line 61), and means for performing a converting process if the non-image data is printable (column 4, lines 34 through 48). Further, Saito teaches that the data converting means comprises bit map data forming means for converting a character code into bit map data (column 3, line 64 through column 4, line 12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Saito's teachings in the system of Toyoda. Toyoda's system would easily be modified to include Saito's teachings, as the systems share cumulative features, being additive in nature.

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Citation of Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Saito *et al.* (U.S. Patent Number 6,618,749) discloses a system that analyzes received electronic mail;

Toyoda *et al.* (U.S. Patent Number 5,812,2788) discloses a system that receives electronic mail data, and converts extracted binary data into image data;

Matsunaga (U.S. Patent Number 5,751,960) discloses a system that receives and forwards electronic mail data.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.R.P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrj



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